

FILED

JUN 30 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE NUNEZ GONZALEZ,

Defendant.

No. 3-06-70334 EDL

~~PROPOSED~~ ORDER AND
STIPULATION EXTENDING TIME
UNDER RULE 5.1 AND EXCLUDING
TIME UNDER THE SPEEDY TRIAL ACT

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The initial appearance on the complaint in this case occurred on June 1, 2006. The parties subsequently appeared before this Court on June 7, 2006, for a detention hearing. Defendant elected not to contest detention, and the Court ordered defendant detained.

2. This matter is currently set for a preliminary hearing/arraignment on June 23, 2006 at 9:30 a.m.

3. The parties are engaged in discussions that appear likely to lead to a pre-indictment resolution of the case. Accordingly, the parties request that the preliminary hearing/arraignment be continued to July 7, 2006 at 9:30 a.m. Pursuant to Federal Rule of Criminal Procedure 5.1(d),

the parties respectfully request an extension of time for the preliminary hearing to July 7, 2006.

4. The parties also respectfully request that the time from June 19, 2006, to July 7, 2006, be excluded in computing the time within which an indictment or information must be filed pursuant to the Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv). In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See id. The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

IT IS SO STIPULATED.

DATED: 6/28/06

Respectfully submitted,



ANDREW P. CAPUTO
Assistant United States Attorney

DATED: 6/21/06



ELIZABETH FALK
Assistant Federal Public Defender

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 6/30/06



HONORABLE MARIA-ELENA JAMES
United States Magistrate Judge